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McKinney v. Purcell, 28 Kan. 446; *Hunt v. Robinson*, 11 Cal. 262, are examples. On the other hand, *White v. Dolliver*, 113 Mass. 400; *Coen v. Watkins*, 62 Mo. App. 502, hold that property does not remain in custodia legis after it has been delivered to the plaintiff in the replevin suit and that such plaintiff may sell it and pass a good title, being liable to defendant, if the latter is successful, only for the value of the property. While *Donohue v. McAleer*, 37 Mo. 312, hold that such property may be sold, *Bank v. Owen*, 79 Mo. 429 proceeds on the theory that it is in custodia legis. By this decision, however, the position of the Missouri courts upon this question is clearly defined.

STREET RAILROADS—RIGHT IN HIGHWAY—DRIVER OF VEHICLE.—WOODLAND v. NORTH JERSEY ST. RY. CO., 49 Alt. 479 (N. J.).—The plaintiff, in a well lighted street, at night, when about to cross the highway in his carriage, saw a trolley car approaching 250 feet away. He at once proceeded to cross, with his horse on a walk, without further watching the approach of the car which collided with his carriage, causing him personal injuries. Upon the trial of his action the court refused to nonsuit on the ground of contributory negligence. *Held*, on error, that the ruling was correct.

The point in this case is not whether the plaintiff was negligent but whether his negligence so clearly appears that the case should have been taken from the jury. The plaintiff was only required to extend his observation to an approaching car that, proceeding at customary and reasonably safe speed, would threaten his safety, *Railway Co. v. Block*, 322 L. R. A. 374.

A driver may obtain a right of way over a street railroad, where, in the reasonable exercise of his rights, he reaches the point of crossing in time to safely go upon the tracks in advance of the approaching car, the latter being sufficiently distant to be checked, and if need be, stopped, before it should reach him. *Railroad Co. v. Miller*, 36 Atl. 885.

TELEPHONE COMPANIES—POLES—FIXTURES—LICENSE—REVOCATION.—REDFIELD TELEPHONE AND TELEGRAPH CO. v. CYR. ET AL., 49 Atl. 1047 (Me.).—The poles and fixtures of a telephone company, which has erected its poles along a highway by the permission of the municipal officers, do not become a part of the realty, but remain chattels, subject to seizure and sale on execution.

It was held in *Paris v. Water Co.*, 85 Me. 330, that water pipes, hydrants, etc., were real estate of the purpose of taxation. It has also been held that gas and water pipes are mains, and the poles and wires of an electric light plant were appurtenances to the realty, on which were built the operating plants. *Capital Gas Light Co. v. Charter Oak Ins. Co.*, 51 Iowa, 31; *Fechet v. Drake*, (Ariz.), 12 Pac. 694; *Badger Lumber Co. v. Marion Electric Co.*, 29 Pac. 476; Appeal of Des Moines Water Co., 48 Iowa, 324. In *Newport Ill. Co. v. Tax Assessors*, the contrary view is taken as to the poles and wires of an electric light plant. The present case decides that telephone poles and wires are not appurtenant to the realty, but mere chattels.